

1 A JOINT RESOLUTION

2 PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION
3 OF NEW MEXICO TO PROVIDE THAT AN APPOINTED JUDGE SERVE AT
4 LEAST ONE YEAR BEFORE A GENERAL ELECTION IS HELD FOR THE
5 OFFICE TO WHICH THE JUDGE WAS APPOINTED.

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7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. It is proposed to amend Article 6,
9 Section 35 of the constitution of New Mexico to read:

10 "There is created the "appellate judges nominating
11 commission", consisting of: the chief justice of the supreme
12 court or the chief justice's designee from the supreme court;
13 two judges of the court of appeals appointed by the chief
14 judge of the court of appeals; the governor, the speaker of
15 the house of representatives and the president pro tempore of
16 the senate shall each appoint two persons, one of whom shall
17 be an attorney licensed to practice law in this state and the
18 other who shall be a citizen who is not licensed to practice
19 law in any state; the dean of the university of New Mexico
20 school of law, who shall serve as chair of the commission and
21 shall vote only in the event of a tie vote; four members of
22 the state bar of New Mexico, representing civil and criminal
23 prosecution and defense, appointed by the president of the
24 state bar and the judges on the commission. The appointments
25 shall be made in such manner that each of the two largest

1 major political parties, as defined by the Election Code,
2 shall be equally represented on the commission. If
3 necessary, the president of the state bar and the judges on
4 the commission shall make the minimum number of additional
5 appointments of members of the state bar as is necessary to
6 make each of the two largest major political parties be
7 equally represented on the commission. These additional
8 members of the state bar shall be appointed such that the
9 diverse interests of the state bar are represented. The dean
10 of the university of New Mexico school of law shall be the
11 final arbiter of whether such diverse interests are
12 represented. Members of the commission shall be appointed
13 for terms as may be provided by law. If a position on the
14 commission becomes vacant for any reason, the successor shall
15 be selected by the original appointing authority in the same
16 manner as the original appointment was made and shall serve
17 for the remainder of the term vacated.

18 The commission shall actively solicit, accept and
19 evaluate applications from qualified lawyers for the position
20 of justice of the supreme court or judge of the court of
21 appeals and may require an applicant to submit any
22 information it deems relevant to the consideration of the
23 application.

24 Upon the occurrence of an actual vacancy in the office
25 of justice of the supreme court or judge of the court of

1 appeals, the commission shall meet within thirty days and
2 within that period submit to the governor the names of
3 persons qualified for the judicial office and recommended for
4 appointment to that office by a majority of the commission.

5 Immediately after receiving the commission nominations,
6 the governor may make one request of the commission for
7 submission of additional names, and the commission shall
8 promptly submit such additional names if a majority of the
9 commission finds that additional persons would be qualified
10 and recommends those persons for appointment to the judicial
11 office. The governor shall fill a vacancy or appoint a
12 successor to fill an impending vacancy in the office of
13 justice of the supreme court or judge of the court of appeals
14 within thirty days after receiving final nominations from the
15 commission by appointing one of the persons nominated by the
16 commission for appointment to that office. If the governor
17 fails to make the appointment within that period or from
18 those nominations, the appointment shall be made from those
19 nominations by the chief justice or the acting chief justice
20 of the supreme court. The person appointed shall serve until
21 the first general election following one year after
22 appointment. The appointee's successor shall be chosen at
23 such election and shall hold the office until the expiration
24 of the term in effect at the time of election."

25 SECTION 2. The amendment proposed by this resolution

1 shall be submitted to the people for their approval or
2 rejection at the next general election or at any special
3 election prior to that date that may be called for that
4 purpose. _____

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